Assembly Joint Resolution

FE Sent For:

Received: 11/23/2010 Wanted: As time permits					Received By: smiller Companion to LRB:			
For: Bob Ziegelbauer (608) 266-0315					By/Representing: heather schubert			
•	May Contact:				Drafter: smiller			
Subject: Constitutional Amend			inicits		Addl. Drafters:			
				Extra Copies:				
Submit v	via email: YES							
Requeste	er's email:	Rep.Ziegel	bauer@legi	is.wisconsin.	gov			
Carbon c	copy (CC:) to:							
Pre Top	ie:							
No speci	fic pre topic gi	ven						
Topic:								
appointn	nent of 4 county	y officers and v	acancies in	county and ju	dicial circuit offic	es		
Instruct	ions:	No. 10 10 10 10 10 10 10 10 10 10 10 10 10						
See attac	ehed							
Drafting	g History:					447-00-00-00-00-00-00-00-00-00-00-00-00-00		
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	smiller 11/23/2010	wjackson 12/02/2010						
/1	smiller 12/03/2010	wjackson 12/03/2010	phenry 12/02/201	10	lparisi 12/02/2010			
/2			rschluet 12/03/201	10	sbasford 12/03/2010	cduerst 12/03/2010		

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					By/Representing: heather schubert		
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			ienaments		Addl. Drafters:		
					Extra Copies:		
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Request	ter's email:	Rep.Ziegel	bauer@leg	is.wisconsin.	gov		
Carbon	copy (CC:) to:						
Pre Top	pic:						
No spec	cific pre topic gi	ven					
Topic:							
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Instruc	ctions:		Market Market State Control of the C			,	
See atta	ched						
Draftin	g History:					W. C. C. C.	
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	smiller 11/23/2010	wjackson 12/02/2010					
/1	smiller 12/03/2010	wjackson 12/03/2010	phenry 12/02/20	10	lparisi 12/02/2010		
/2			rschluet 12/03/20	10	sbasford 12/03/2010		

Assembly Joint Resolution

Received: 11/23/2010					Received By: smiller			
Wanted: As time permits					Companion to LRB:			
For: Bob	For: Bob Ziegelbauer (608) 266-0315				By/Representing: heather schubert			
May Cont		utional Amandu			Drafter: smiller			
Subject: Constitutional Amend			ments		Addl. Drafters:			
					Extra Copies:			
Submit vi	a email: YES							
Requester	's email:	Rep.Ziegelb	auer@legis	s.wisconsin.g	ov			
Carbon co	opy (CC:) to:							
Pre Topic	2:				***************************************			
No specif	ic pre topic giv	ven						
Topic:								
appointme	ent of 4 county	y officers and va	cancies in c	ounty and jud	icial circuit office	s		
Instructi	ons:							
See attach	ied							
Drafting	History:							
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	smiller 11/23/2010	wjackson 12/02/2010						
/1		/2 Wij 12/3	phenry 12/02/2010	×12/3	lparisi 12/02/2010			
FE Sent For:		To the second se	<end></end>					

Assembly Joint Resolution

Received: 11/23/2010	Received By: smiller
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Wanted: **As time permits** Companion to LRB:

For: Bob Ziegelbauer (608) 266-0315 By/Representing: heather schubert

May Contact: Drafter: smiller

Subject: Constitutional Amendments

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Ziegelbauer@legis.wisconsin.gov

Carbon copy (CC:) to:

-

No specific pre topic given

Topic:

Pre Topic:

appointment of 4 county officers and vacancies in county and judicial circuit offices

Instructions:

See attached

Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? smiller /. ... tala 12/

FE Sent For: <END>

From:

Kuesel, Jeffery

Sent:

Monday, November 08, 2010 11:38 AM

To:

Miller, Steve

Subject:

FW: 03 AJR-15

Attachments: AJRcountyofficials-15.pdf

Steve,

This will be yours, I think. Of course, the constitution has changed since the old AJR was drafted. If

you will be drafting, please confirm to Rep. Ziegelbauer. Let me know if I can help.

Jeff

From: Schubert, Heather

Sent: Monday, November 08, 2010 10:42 AM

To: Kuesel, Jeffery Subject: Bill drafting

Jeff,

Rep. Ziegelbauer would like to have 2003 AJR15 redrafted for the upcoming session. Please let me know if you are the correct attorney to perform the redraft.

Thank you.

Heather Schubert Office of Rep. Bob Ziegelbauer (608) 266-0315

From:

Schubert, Heather

Sent:

Monday, November 22, 2010 3:34 PM

To:

Miller, Steve

Subject: FW: Draft review:

Topic: appointment of county officers and vacancies in county and

0580

judicial circuit offices

Steve.

Please delete from the treatment in this resolution for "sheriff, district attorney, coroner, and clerk of circuit court"

Thank you for your assistance.

Heather Schubert Office of Rep. Ziegelbauer 266-0315

From: Basford, Sarah

Sent: Fri 11/19/2010 2:06 PM

To: Ziegelbauer, Bob

Subject: Draft review;

judicial circuit offices

Topic: appointment of county officers and vacancies in county and

State of Wisconsin - Legislative Reference Bureau

One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Stephen R. Miller, Chief, at (608) 267-2175, at steve.miller@legis.wisconsin.gov, or at One East Main Street, Suite 200.

If you would like to jacket the draft for introduction, please click on the appropriate button below. Please select only one button. If you wish to introduce this draft in both houses please contact the drafting attorney to have a companion bill drafted.

> Jacket for the **ASSEMBLY**

亚 4 (1) · · · · (6)

Jacket for the **SENATE**

Please allow one day for jacketing. If this is a "rush" please make a note in your response e-mail so we are aware that we need to give this request a high priority.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the

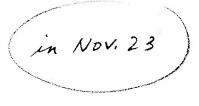


State of Misconsin 2011 - 2012 LEGISLATURE



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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION Q





Relating to: appointment of certain county officers and vacancies in county and

judicial circuit offices (first consideration).

Analysis by the Legislative Reference Bureau CURRENT

Currently, the constitution provides for the election every four years of county sheriffs, clerks of circuit court, registers of deeds, district attorneys, county clerks, and treasurers, surveyors unless a county appoints a surveyor, and, unless a county appoints a medical examiner, coroners, except that the constitution abolishes the offices of coroner and surveyor in counties having a population of 500,000 or more.

PROPOSED

This proposed constitutional amendment, proposed to the 2011 legislature on first consideration, permits counties to choose to elect or appoint county clerks, treasurers, registers of deeds, surveyors, and other county officers, except sheriffs, district attorneys, coroners, clerks of circuit court, and county chief executive offices, county supervisors, and judges. A fining by the county heart flow elected to appoint the form appointment of the first does not take effect unless the plantage is approved by the county voters at a referendum.

VACANCIES

Currently, a vacancy in the office of sheriff, coroner, register of deeds, or district attorney is filled by appointment as required by the constitution. The constitution

If the county board directs a change from an elected to appointive office, pp or from an appointive to elective office, the change

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provides that the appointment of a sheriff is made by the governor. The statutes provide that the appointment of the coroner, register of deeds, and district attorney is made by the governor. A vacancy in the office of surveyor, county clerk, or treasurer is filled by appointment of the county board under current statute law and a vacancy in the office of clerk of circuit court is filled under the constitution by "the judge of the circuit court."

This joint resolution provides that the appointments are made by the county chief executive officer, if the office exists, or by the county board, if the office of county chief executive office does not exist.

ADOPTION AND RATIFICATION

A constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

Resolved by the assembly, the senate concurring, That:

SECTION 1. Section 4 (1) (a) of article VI of the constitution is amended to read:

[Article VI] Section 4 (1) (a) Except as provided in pars. (b) and (c) and sub. (2), coroners, registers of deeds, district attorneys, and all other elected county officers, except judicial officers, sheriffs, and chief executive officers, shall be chosen by the electors of the respective counties once in every 2 years.

[Article VI] Section 4 (1) (c) Beginning with the first general election at which the president is elected which occurs after the ratification of this paragraph, district attorneys, registers of deeds, county clerks, and treasurers shall be chosen by the electors of the respective counties, or by the electors of all of the respective counties comprising each combination of counties combined by the legislature for that purpose, for the term of 4 years and surveyors in counties in which the office of surveyor is filled by election shall be chosen by the electors of the respective counties, or by the electors of all of the respective counties, or by the electors of all of the respective counties, or by the electors of all of the respective counties comprising each combination of counties combined by the legislature for that purpose, for the term of 4 years.

SECTION 3. Section 4 (4) of article VI of the constitution is amended to read:

$(\widehat{2})$	[Article VI] Section 4 (4) The governor may remove any elected county officer plain space) mentioned in this section except a county clerk, treasurer, or surveyor, by giving to
3	the officer a copy of the charges and an opportunity of being heard.
4	SECTION 4. Section 4 (5) of article VI of the constitution is amended to read:
5	[Article VI] Section 4 (5) All vacancies in the offices of coroner, register of deeds
6	or district attorney shall be filled by appointment. The person appointed to fill a
7	vacancy shall hold office only for the unexpired portion of the term to which
8	appointed and until a successor shall be elected and qualified.
9	SECTION 5. Section 9 of article XIII of the constitution is renumbered section
10	9 (1) of article XIII and amended to read:
11	[Article XIII] Section 9 (1) All county officers, except county supervisors,
12	sheriffs, district attorneys, coroners, and clerks of circuit court, whose election or
13	appointment is not provided for by this constitution after the ratification of this
14	subsection shall be elected by the electors of the respective counties, or appointed by
15	the chief county executive officers, if that office exists in the county, or the boards of
16	supervisors, or other county authorities if the office of chief county executive officer
17	does not exist in the county, as the legislature county board of the respective counties
18	shall direct. A change by the county board from an elected to appointive office or
19	from ab appointive to elective office does not take effect without submitting the
20	question to a vote of the people of the county, nor unless a majority of all of the legal
21	voters of the county voting on the question shall vote for the same.
22	(2) All city, town, and village officers whose election or appointment is not
23	provided for by this constitution after the ratification of this subsection shall be
24 _	elected by the electors of such cities, towns, and villages, or of some division thereof,

F the county board directs a change from an elected to

appointive office, or from an appointive to elected

change

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or appointed by such authorities thereof	as the legislature shall	designate for that
purpose.		

(4) All other officers whose election or appointment is not provided for by this constitution, and after the ratification of this subsection, except all officers whose offices may hereafter be are created by law after the ratification of this subsection, shall be elected by the people or appointed, as the legislature may direct.

Section 6. Section 9 (3) of article XIII of the constitution is created to read:

[Article XIII] Section 9 (3) All officers whose offices are created by law after the ratification of this subsection shall be elected by the people, if required by this constitution to be elected by the people, or, if not required by this constitution to be elected by the people, elected or appointed, as provided in sub. (1), for county officers, or as the legislature may direct, for other officers.

SECTION 7. Section 17 of article XIV of the constitution is created to read:

[Article XIV] Section 17 The terms of office of county clerks, treasurers, registers of deeds, and surveyors elected before the ratification of this section expire at the end of the term for which elected.

SECTION 8. Numbering of new provision. If another constitutional amendment ratified by the people creates the number of any provision created in this joint resolution, the chief of the legislative reference bureau shall determine the sequencing and the numbering of the provisions whose numbers conflict.

Be it further resolved, That this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for 3 months previous to the time of holding such election.

From: Schubert, Heather

Sent: Friday, December 03, 2010 11:03 AM

To: Miller, Steve

Subject: FW: Draft review: LRB 11-0580/1 Topic: appointment of 4 county officers and vacancies in county and

judicial circuit offices

Thanks Steve.

Heather Schubert Office of Rep. Bob Ziegelbauer (608) 266-0315

From: Ziegelbauer, Bob Sent: Fri 12/3/2010 10:59 AM

To: Schubert, Heather

Subject: RE: Draft review: LRB 11-0580/1 Topic: appointment of 4 county officers and vacancies in

county and judicial circuit offices

Heather -

Correct. I do not want to change the appointing authority for vacant positions that have not been changed by prior County Board action or by this resolution.

Thanks rfz

From: Schubert, Heather Sent: Fri 12/3/2010 10:34 AM

To: (bobziegelbauer@sbcglobal.net); Ziegelbauer, Bob

Subject: FW: Draft review: LRB 11-0580/1 Topic: appointment of 4 county officers and vacancies in

county and judicial circuit offices

Bob.

I just talked to the drafter (Steve Miller) and he wants to clarify that you want him to delete section 4 (and thus about half of the analysis)???

Heather Schubert Office of Rep. Bob Ziegelbauer (608) 266-0315

From: Kostelic, Luanne **Sent:** Fri 12/3/2010 10:03 AM **To:** Schubert, Heather

Subject: FW: Draft review: LRB 11-0580/1 Topic: appointment of 4 county officers and vacancies in

county and judicial circuit offices

From:

Parisi, Lori

Sent:

Thursday, December 02, 2010 4:47 PM

To:

Miller, Steve

Subject: FW: Draft review: LRB 11-0580/1 Topic: appointment of 4 county officers and vacancies in county and

judicial circuit offices

Steve, Could you please take care of these changes? See below....Thank you.

From: Ziegelbauer, Bob

Sent: Thursday, December 02, 2010 4:23 PM

To: Parisi, Lori

Subject: RE: Draft review: LRB 11-0580/1 Topic: appointment of 4 county officers and vacancies in

the second secon

county and judicial circuit offices

Lori,

Please delete the portion of this proposal that changes who fills vacancies if they occur.

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Thanks

Bob Ziegelbauer

From: Parisi, Lori

Sent: Thu 12/2/2010 2:52 PM

To: Ziegelbauer, Bob

Subject: Draft review: LRB 11-0580/1 Topic: appointment of 4 county officers and vacancies in county

and judicial circuit offices

State of Wisconsin - Legislative Reference Bureau

One East Main Street - Suite 200 - Madison

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Jacket for the ASSEMBLY

Jacket for the SENATE

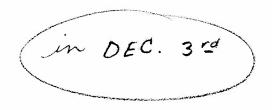


State of Misconsin 2011 - 2012 LEGISLATURE

RMNR



2011 ASSEMBLY JOINT RESOLUTION



To renumber and amend section 9 of article XIII; to amend section 4 (1) (a) of article VI, section 4 (1) (c) of article VI, section 4 (4) of article VI and section 4 (5) of article VI; and to create section 9 (3) of article XIII and section 17 of article XIV of the constitution; relating to: appointment of certain country officers and (vacancies) in country and judicial circuit offices (first consideration).



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Analysis by the Legislative Reference Bureau CURRENT

Currently, the constitution provides for the election every four years of county sheriffs, clerks of circuit court, registers of deeds, district attorneys, county clerks, and treasurers, surveyors unless a county appoints a surveyor, and, unless a county appoints a medical examiner, coroners, except that the constitution abolishes the offices of coroner and surveyor in counties having a population of 500,000 or more.

PROPOSED

This proposed constitutional amendment, proposed to the 2011 legislature on first consideration, permits counties to choose to elect or appoint county clerks, treasurers, registers of deeds, surveyors, and other county officers, except sheriffs, district attorneys, coroners, clerks of circuit court, and county chief executive offices, county supervisors, and judges. If the county board directs a change from an elected to appointive office, or from an appointive to elective office, the change does not take effect unless it is approved by the county voters at a referendum.

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VACANCIES

Currently, a vacancy in the office of sheriff, coroner, register of deeds, of district attorney is filled by appointment as required by the constitution. The constitution provides that the appointment of a sheriff is made by the governor. The statutes provide that the appointment of the coroner, register of deeds, and district attorney is made by the governor. A vacancy in the office of surveyor, county clerk, or treasurer is filled by appointment of the county board under current statute law and a vacancy in the office of clerk of circuit court is filled under the constitution by "the judge of the circuit court."

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Section 2. Section 4 (1) (c) of article VI of the constitution is amended to read: [Article VI] Section 4 (1) (c) Beginning with the first general election at which the president is elected which occurs after the ratification of this paragraph, district attorneys, registers of deeds, county clerks, and treasurers shall be chosen by the electors of the respective counties, or by the electors of all of the respective counties comprising each combination of counties combined by the legislature for that purpose, for the term of 4 years and surveyors in counties in which the office of surveyor is filled by election shall be chosen by the electors of the respective counties.

or by the electors of all of the respective counties comprising each combination of
counties combined by the legislature for that purpose, for the term of 4 years.

Section 3. Section 4 (4) of article VI of the constitution is amended to read:

[Article VI] Section 4 (4) The governor may remove any elected county officer mentioned in this section except a county clerk, treasurer, or surveyor, by giving to the officer a copy of the charges and an opportunity of being heard.

Section 4 (5) of article VI of the constitution is amended to read:

[Article VI] Section 4 (5) All vacancies in the offices of coroner, register of deeds or district attorney shall be filled by appointment. The person appointed to fill a vacancy shall hold office only for the unexpired portion of the term to which appointed and until a successor shall be elected and qualified.

SECTION 5. Section 9 of article XIII of the constitution is renumbered section 9 (1) of article XIII and amended to read:

[Article XIII] Section 9 (1) All county officers, except county supervisors, sheriffs, district attorneys, coroners, and clerks of circuit court, whose election or appointment is not provided for by this constitution after the ratification of this subsection shall be elected by the electors of the respective counties, or appointed by the chief county executive officers, if that office exists in the county, or the boards of supervisors, or other county authorities if the office of chief county executive officer does not exist in the county, as the legislature county board of the respective counties shall direct. If the county board directs a change from an elected to appointive office, or from an appointive to elected office, the change does not take effect without submitting the question to a vote of the people of the county, nor unless a majority of all of the legal voters of the county voting on the question shall vote for the same.

(2) All city, town, and village officers whose election or appointment is not
provided for by this constitution after the ratification of this subsection shall be
elected by the electors of such cities, towns, and villages, or of some division thereof,
or appointed by such authorities thereof, as the legislature shall designate for that
purpose.

(4) All other officers whose election or appointment is not provided for by this constitution, and after the ratification of this subsection, except all officers whose offices may hereafter be are created by law after the ratification of this subsection, shall be elected by the people or appointed, as the legislature may direct.

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[Article XIII] Section 9 (3) All officers whose offices are created by law after the ratification of this subsection shall be elected by the people, if required by this constitution to be elected by the people, or, if not required by this constitution to be elected by the people, elected or appointed, as provided in sub. (1), for county officers, or as the legislature may direct, for other officers.

Section 7. Section 17 of article XIV of the constitution is created to read:

[Article XIV] Section 17. The terms of office of county clerks, treasurers, registers of deeds, and surveyors elected before the ratification of this section expire at the end of the term for which elected.

SECTION 8. Numbering of new provision. If another constitutional amendment ratified by the people creates the number of any provision created in this joint resolution, the chief of the legislative reference bureau shall determine the sequencing and the numbering of the provisions whose numbers conflict.

L	Be it further resolved, That this proposed amendment be referred to the
2	legislature to be chosen at the next general election and that it be published for 3
3	months previous to the time of holding such election.

(END)

Duerst, Christina

From:

Kostelic, Luanne

Sent:

To:

Subject:

Friday, December 03, 2010 1:53 PM
LRB.Legal
Draft Review: LRB 11-0580/2 Topic: appointment of 4 county officers and vacancies in county and judicial circuit offices

Please Jacket LRB 11-0580/2 for the ASSEMBLY.